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CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
October 28, 2020

Note: These minutes are not completed verbatim. For further detail, video recordings are available at the Pollard Library, second floor reference desk or online at www.LTC.org.

Due to the COVID-19 pandemic, this meeting was held virtually using Zoom.

Members Present: Chairwoman Varnum, Commissioner Lovely, Commissioner Dillon, Commissioner Buitenhuys, Commissioner Downs, and Commissioner Standish

Members Absent: None

Others Present: Fran Cigliano, Associate Planner

CALL TO ORDER

7:00 PM

CONTINUED BUSINESS

Order of Conditions Minor Modification & Extension

City of Lowell
375 Merrimack Street
Lowell, MA 01852
DEP #206-0773

Project Location: Riverwalk Phase II 01852

The City of Lowell is seeking an extension to the Order of Conditions (DEP #206-0773) issued on November 14, 2017, as well as a minor modification due to modified tree removal and replacement plan.

On Behalf:

Chris Hayes, Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum: Were there opportunities to save those trees and modify the plan?

C. Hayes: We no longer need to take down the Linden tree on Bridge Street. The other three trees are Norway maples that are along the Concord River in front of Lowell Memorial Auditorium. Seems like we have not found an opportunity to save it and it needs to be removed for staging on the bridge. The Norway maples will be replaced with lindens. We're still trying to find different crane options. At this point, we needed to make sure we had permission to remove them if there is no alternative.

L. Varnum: I'm in favor of those two coming out. Love that you are replacing with lindens. Wonderful fragrance in the spring. Are you doing 1:1 replacement?

C. Hayes: Yes.

L. Varnum: Is the project on track? Is one extension going to be enough?

C. Hayes: Yes, took longer to get started. But now that the project is started, we are ahead of schedule. Hope to complete by June 30, 2021.

L. Varnum: You are looking for a three year extension?

C. Hayes: If that's standard, yes.

Motion:

W. Lovely motioned and B. Buitenhuys seconded the motion to approve the minor modification and 3 year extension. The motion passed unanimously, (6-0).

Notice of Intent

Gene Crouch c/o City of Lowell
VHB, Inc.
111 Walnut Street
P.O Box 9151
Watertown, MA 02471
DEP #206-0803

Project Location: Canal St. & Francis Street 01852

A Notice of Intent has been filed by the City of Lowell for infrastructure improvements in the Lowell Hamilton Canal Innovation District. The improvements include pedestrian and roadway improvements at the Broadway Street Bridge, the development of Canal Street and Francis Street, and the construction of a new bridge crossing the Lower Pawtucket Canal and connecting with Canal Street. The work will impact the Bank of the Pawtucket Canal, Land under Waterbodies and Waterways, and Bordering Land Subject to Flooding.

On Behalf:

G. Crouch, Applicant's Representative

G. Crouch: No one realized the OOC had expired.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum: No significant changes in the plan? The old OOC had expired before they asked for an extension.

B. Buitenhuys: I would support same standard OOC and same special conditions as last time.

L. Varnum: We're also approving the ramp that wasn't included in the last presentation.

Motion:

W. Lovely motioned and K. Dillon seconded the motion to close the public hearing. The motion passed unanimously, (6-0).

B. Buitenhuys motioned and W. Lovely seconded the motion to issue a standard Order of Conditions with the previous special conditions. The motion passed unanimously, (6-0).

Enforcement Order

Peter Nolin

60 Aegean Lane

Lowell, MA 01854

Violation Location: 60 Aegean Lane 01854

Fill dumping within 100-ft Buffer Zone to Bordering Vegetated Wetlands.

On Behalf:

Peter Nolin, Resident

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys: Would have trouble rescinding order until the slope is stabilized. Along the driveway at the bottom of the slope, there is plywood that holds back the bank. Recommends removing all non-native materials and stabilizing the area.

L. Varnum: Applicant said he had taken out loads, but in my mind there's still at least a couple truckloads of loose material contributing to the steepness. I am also concerned about the birch tree area with the plywood. We had an earlier EO and I don't recall getting back to that area to say that it was okay. I am concerned about the trees. Plywood will completely rot away and cause some kind of collapse. Stabilization issue. Beyond the point of getting it back to original earth which would be the ultimate fix of that. I do want to get it back to being stabilized.

P. Nolin: Either way it's not going to be stabilized until roots grow. There were weeds growing. Now there's just fresh soil and no root system to hold it.

L. Varnum: It's too late in the season to try to get grass growing there. They have mesh materials that can maintain the current slope. We need is silt fence and barrier at the bottom of the slope.

P. Nolin: Want to know what we need to do from here on out. People dump their leaves down there. I took out 35 yards of fill. Of course when it is taken out there's no root system there.

B. Buitenhuys: Erosion is an issue. I would propose to continue to remove non-native material. Set silt fence at bottom of hill at wetland plant line. Happy to help with advice.

P. Nolin: I know how to put a silt fence in.

L. Varnum: Silt fence. Possibly can't finish with this until the spring. Also, possibly place a sign at the end of the street to prevent dumping. Need to do some more work before you seed.

P. Nolin: I'll put the sign and the silt fence in tomorrow. If I pull plywood out, there will be more damage. That plywood is blocking the trunks of the trees. I think it's going to smother the trees.

B. Buitenhuys: I'll leave that up to you.

L. Varnum: Material behind the trees is sand, not loam. Would kill the trees.

B. Buitenhuys: Don't pull out any material until the spring.

W. Lovely: From what I'm hearing, put the sign up, put the silt fence up, and defer everything else until the spring.

Motion:

None

NEW BUSINESS

OTHER BUSINESS

RDA Minor Modification: Bolt & Carmine Street 01852

Modified proposal to change an access route that would require mowing a different area of vegetation.

On Behalf:

Allison Milliman, Applicant's Representative

A. Milliman: I'm here to discuss a change in access to boring structure. Original borings were going to be in the existing location. Shifted structure 50 feet, down a steeper slope. The boring contractor thought it would be potentially unsafe to bring equipment down the slope. We are proposing a change to allow mowing through BLSF to gain access to the structure.

Discussion:

L. Varnum: How wide would the mowing path be?

A. Milliman: The path would be 12 feet, which will provide temporary access for mowing. The area will be restored to pre-existing conditions after activities are completed.

L. Varnum: Before winter or next spring?

A. Milliman: Before winter; we plan to start borings in the next two weeks. The work will probably a month to complete.

Motion:

W. Lovely motioned and B. Buitenhuys seconded the motion to approve the minor modification. The motion passed unanimously, (6-0).

Discussion: 7 Chambers Street 01852

Proposed removal of invasive bittersweet using an herbicide, Fluroxypyr.

On Behalf:

Sandy Swaile, Design Planner, City of Lowell DPD

S. Swaile: We were going to use a little herbicide. It's recommended for this "cut and paint" method of getting rid of oriental bittersweet.

Discussion:

L. Varnum: Approved for use near waterways?

S. Swaile: Yes, that's why they picked this one. Approved by Mass Audubon. Everybody recommends this type to get rid of bittersweet, which is a horrendous problem, it's difficult to get rid of. We are not using a spray; it's an eight inch jar and you paint them on the stumps when you cut them. It's an acceptable way of getting rid of this stuff. It's recommended for this use.

W. Standish: I raised concerns a couple weeks ago. That puts me at ease. I was wondering if it was approved.

W. Lovely: The fact that it's direct application of the product will minimize exposure potential for non-target species.

B. Buitenhuys: 3-5 year treatment. Almost impossible to fully eradicate bittersweet.

Minutes

September 23, 2020

October 14, 2020

W. Lovely is still reviewing the minutes from the September 23, 2020 and October 14, 2020 meetings.

Election of Officers 2021

B. Buitenhuys motioned and W. Lovely seconded the motion to nominate L. Varnum as Chairperson for 2021. The motion passed unanimously, (6-0).

W. Lovely motioned and K. Dillon seconded the motion to nominate B. Buitenhuys as Vice Chairperson. The motion passed unanimously, (6-0).

ADJOURNMENT

W. Lovely motioned and B. Buitenhuys seconded the motion to adjourn the meeting. The time was 8:03 PM.